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[ Kelly, Moses ]

The relation of the general  
government to the city of  
Washington.

[ Washington, 1859 ]





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THE RELATION

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OF THE

GENERAL GOVERNMENT

TO THE

CITY OF WASHINGTON.

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*Mason's Key.*  
INTRODUCTION.

The following remarks, touching the relation which the General Government sustains towards the city of Washington, originally appeared in the editorial columns the Union, and as they cannot fail to be interesting to all who feel any concern for the prosperity and growth of the National Metropolis, it has been deemed advisable to reproduce them in pamphlet form, to give to them a more extended circulation.

The American people are proud of the city which bears the revered name of the Father of their Country. They wish it to be built up and ornamented in a manner that will correspond with its magnificent plan, and reflect no discredit upon their patriotic liberality and good taste. It is a great mistake to suppose that the people do not approve of the appropriation of money for useful and ornamental purposes in the Metropolis of the country. The thousands, who annually visit Washington, complain that the Government does not contribute more liberally towards its improvement, and are anxious that it should be made, in all respects, a city worthy to be the Seat of Government of a free and enlightened people.

The interesting address of the Vice President has suggested to us the propriety of one or two articles upon the history, plan, and prospects of what has come to be an important subject—the federal city.

Soon after the close of the struggle which secured our independence, it became a question of much interest where the capital of the newly-established nation should be located. Several of the States desired the honor of having it within their limits and large inducements were offered by the friends of various places to secure it for their respective localities.

TOWERS, PRINTER.

*[Washington 1877.]*

For wise purposes the constitution provided that Congress should "exercise exclusive legislation in all cases whatsoever over such district" (not exceeding ten miles square) as "should by cession of particular States, and the acceptance of Congress, become the seat of government of the United States." This district could only be acquired by cession, and as early as December, 1788, Maryland offered to the general government any district of ten miles square within her borders for this purpose. One year later Virginia did likewise, but at the same time, with her accustomed magnanimity, suggested that a situation combining all the advantages requisite could "be had on the banks of the river Potomac above tide-water, in a country rich and fertile in soil, healthy and salubrious in climate, and abounding in all the necessities and conveniences of life, where in a location of ten miles square, if the wisdom of Congress" should "so direct, the States of Pennsylvania, Maryland, and Virginia" could all "participate in such location."

On the 16th July, 1790, Congress passed "an act for establishing the temporary and permanent seat of the government of the United States," which, having been subsequently amended by act of 3d March 1791, located the district as the same existed up to the time of the retrocession to Virginia of that portion of it west of the Potomac. It next became necessary to lay out the city, which was done without delay, and a plan thereof was officially submitted by Gen. Washington to Congress on the 13th December, 1791, which received the approval of that body.

In these and subsequent proceedings Congress assumed all the authority conferred upon it by the constitution—*exclusive jurisdiction*. The State of Maryland was induced to pass a law condemning for public uses private property, in certain cases, where it could not otherwise be obtained, so that no possible impediment should exist to the full exercise of such authority. By such means, in part, and by an arrangement with the proprietors in other instances, every foot of ground within the limits of the city was deeded in fee to the agents of the government, who then conveyed back to the original owners one moiety of all the lots not needed for public uses.

And now, let us inquire, how was the city laid out? Certainly not with an eye to the advantage of the former owners of the soil, for that would have sacrificed all the broad avenues which so greatly contribute to the beauty and healthfulness of the city, and reduced the width of the streets to dimensions adapted to business purposes. This would have given the proprietors a much larger number of lots for sale on their own private account and rendered the city more compact, and far less expensive to improve and keep in order. This, however, would not have answered the ends Congress had in view, for it was evidently its intention not only that the capital should not be a commercial city, but that it should not be a very large one. This must be apparent to any one who will examine the plan of the city with the least care. Of its entire area, five hundred and seventy-eight acres are permanently reserved for public uses, and this extent, large as it is, must be still further increased by the extension of the grounds of the Capitol



and Navy Yard. And then the reservations making up this large surface are so distributed over the city as to sever it into several almost distinct, because disconnected communities, rendering impossible that compactness of population which is so requisite for extensive business operations.

Was this the result of mere accident or of careful forethought? Doubtless of the latter. Congress had sat in New York and Philadelphia, and each of those places had been found objectionable, because of its commercial relations. Hence the projection of wide streets, broad avenues, and extensive reservations—unfriendly indeed to business pursuits, but conducive to health, comfort, and security against loss from fire. Hence the absolute reservation of so large a share of the river front, and the withdrawing of it from all private use. Nor need we stop here. Look at the enormous relative area covered by reservations, avenues, and streets, and then at the limited extent allowed for residences. From an official report lately made to Congress, it appears that the government originally owned 10,118 lots. An equal number was assigned to the original proprietors, making in all 20,236 lots. Suppose these to have a front of fifty feet each, and we have lots enough for 40,472 houses of twenty-five feet front each. But we know that very many of the more fashionable residences cover several lots, and that, in some cases, they have several more attached to them, so as to be effectually withdrawn from use for building purposes. We also know that hundreds, and perhaps thousands, of lots, along the canal, upon the Eastern Branch, and in various other parts of the city, are wholly unavailable for building purposes, and many of them must remain so for years to come, while others can never be used except as places for business. Add to all these the squares recently purchased for the arsenal, and those used for burying-grounds, and the lots occupied by churches, school-houses, stores, shops of various kinds, and numerous other objects than dwellings, and it will be found that the number thus withdrawn will be so far increased as to leave room for not more, probably, than 20,000 houses, which, at eight souls each, would only accommodate a population of 160,000. Is this a large population? Let Boston, Brooklyn, Philadelphia, Baltimore Cincinnati, answer the question. Had we this number, however, broad as are our streets and avenues, we should yet be able to improve them and to do many other things for the general good of the city, with comparative ease. But this we may not soon, if ever, expect, for what is to sustain it, since all commercial advantages are denied us?

The simple truth seems to be that Washington was laid out by the government upon an extensive scale, as the capital of a mighty people, with the distinct understanding that it would be expected, as a matter of course, to contribute largely to its improvement. The Father of his Country selected its site, and thought it not beneath him to project its avenues, streets, and reservations, which each year's development is proving to be more and more beautiful. To carry out the design is not the work of a day or year. Many seasons and heavy outlay will be required for its consummation. And yet we are not of the number of those who think that the whole burden of these improve-

ments should be borne by the general government. The city should do its share, and no one can question its readiness to do this whenever its duty in the premises is clearly defined. A more acceptable service could hardly be rendered the city by Congress than by the adoption of an "intelligible line of policy" to enable "some definite understanding" to be "reached by which the corporate authorities could know what expenditures they are expected to make, and what fairly and justly to devolve upon the general government." Unquestionably "the future prosperity and improvement of the city would be greatly promoted" by such a measure, which would, at the same time, relieve the members of Congress from the embarrassment they so naturally feel when called upon to legislate upon subjects of an apparently local character.

Should not these considerations be sufficiently controlling to secure such action at the present session?

Not only in laying out the city of Washington did the government exercise all the power given it by the constitution, but also in legislating for it. Congress first assembled here in December, 1800, and within three months thereafter passed "an act concerning the District of Columbia," consisting of sixteen sections, continuing in force the laws previously enacted by Maryland and Virginia, and providing the means required to carry them into effect. On the 3d May, 1802, an act was passed "to incorporate the inhabitants of the city of Washington," conferring upon them certain powers, but expressly providing that the mayor should "be appointed annually by the President of the United States," and that he (the mayor) should "appoint to all offices under the corporation." Under this provision of law all the mayors of the city were appointed by the President until June 1812, when, for the first time, its inhabitants were allowed to elect their own chief executive officer. This act has since been several times amended, but in no instance has Congress undertaken to transfer, if it could, to the city authorities, the powers vested in it by the constitution, so far even as regards subjects of immediate and vital importance to themselves. On the contrary, it has, in express terms, reserved the right to repeal the act of incorporation and take entire charge of the city at will, as may be seen from the first section of the last act of incorporation passed on the 17th May, 1848.

Peculiarly, then, is the city of Washington the city of the nation. Every foot of avenue, street, and alley laid down on its original plan actually belongs in fee to the United States. This point was settled by the Supreme Court in the case of *Van Ness vs. the United States and corporation of Washington*. In addition to this, the government owns *five hundred and seventy-eight acres* of land within the city limits which have been permanently reserved for public uses, worth \$13,412,293 26, as private property is assessed for taxation, upon which improvements have been made, as shown by a recent official report to Congress, costing \$14,709,338 09—making an aggregate of \$28,121,631 35.

Under these circumstances, it is quite natural that the representatives of the people who own this large amount of property should feel

a deep interest in the welfare and prosperity of the National Metropolis. They have already contributed liberally to its improvement; but how much yet remains to be done! The extension of the Capitol renders necessary the enlargement of the grounds around it, and their appropriate improvement. Franklin and Judiciary Squares, the Circle, the triangular spaces along Pennsylvania and other avenues, the mall and other public reservations, should, at least, be as well cared for as adjacent private property. The Arsenal grounds likewise require to be graded and adapted to the purposes for which they were purchased, and doubtless all these things will in due time be done. All these improvements must be made by the government; the city authorities have no power to interfere with them if they would. The obligation of the government, however, does not end here. The 15th section of the act of 15th May, 1820, makes it its duty to pay "a just proportion of any expense which" should "be incurred in laying open, paving or otherwise improving any of the streets or avenues in front of, or adjoining to, or which may pass through or between, any of the public squares or reservations." And in the 12th section of the last act of incorporation passed the 17th May, 1848, this obligation is again recognised as resting upon it. This is as it should be, for it is only applying the same rule to the government which is every day applied to the citizen. The latter is made to pay for the pavement in front of his house or lot, and why should not the former do the same? Under this law, the justice of which will hardly be denied, the government is now bound to lay the pavements on the south side of the Botanic Garden and on the west side of it from Pennsylvania to Missouri and the south side of Maine avenue, between Third and Sixth streets; on the west side of Fourth street, between Indiana avenue and G street; on the west side of Fifteenth street, from the Treasury building to the canal, as well as several others of a like character which it is not necessary to enumerate. For these objects an appropriation of five thousand dollars was asked by the proper department at the last session of Congress, but, from some cause, was not made.

May we not proceed one step farther, and say that the government should also contribute in proportion to the value of its property to aid in the general improvement in the city? The revenue of the city is derived from taxation, and exact justice to all demands that this should be as equally distributed as possible. Is it unreasonable that the government should be asked to contribute its quota to the general fund? We think not. It has recently purchased a large number of lots for the use of the Arsenal. Before that purchase the taxes upon those lots were in part relied on to meet the expenses of the city. A large revenue is now derived from taxation of property around the Capitol, which the government must soon own. The moment it makes a purchase the property ceases to be taxable, and the revenue of the city is to that extent dried up. Should not this be in some way made up? If so, is not the principle above suggested fully established? Conceding this, it is yet freely admitted that "whether the government, as a property-holder, should contribute to these ends in proportion to its interest in the city, is a question which addresses itself exclusively to

the discretion of the national legislature." It alone has the power to appropriate any portion of the public treasure for these objects, and we would presume to do no more than respectfully to submit the propositions herein stated for such consideration as they may be thought to deserve.

We have said that Washington can never be a *commercial city*, but this is not because she is destitute of natural advantages in that behalf. The reverse is true. She has a long line of water front, every foot of which, it has been clearly demonstrated by the surveys of the ablest engineers in the service of the government, could, at moderate cost, be rendered available for shipping purposes. But what care has been taken to prevent its being so used! From a point a little below Georgetown the canal skirts the river bank as far down as 17th street, leaving sufficient space between it and the channel for wharfage. Thence to the west end of south D street public reservations occupy the entire space. *From that point to the west end of south P street, an open street or highway, owned by the government, has been carefully interposed between the squares set apart for private use and the water.* And from there down to and around "Greenleaf's Point" the whole front has been reserved for the War Department. Thus it appears that the city has been practically denied the use of the noble Potomac for commercial purposes, except to a small extent between the Observatory grounds and Georgetown—small enough, indeed, to be almost covered on the map by the nail of a man's thumb.

Gen. Washington, however, was well aware that a population as large as would be attracted to the seat of government *must* have *some* facilities for trade, and, in laying out the city, he made such provision therefore as he thought suitable. Referring once more to the map, we find that the lots on the Eastern Branch, east of Greenleaf's Point, extend to the main channel of that stream. These were devoted to commerce, and here a considerable amount of business was expected to be done. Here was intended to be the principal terminus of the Chesapeake and Ohio canal, and General Washington himself made investments here in anticipation of large returns. Lots immediately upon the Branch were regarded as very valuable, commanding, sixty years ago, several times more than the very best of them are now offered to the government for, as the site of a jail and penitentiary. What has produced this result? Is it not the diversion from *that point to Alexandria of the canal trade* by Congress? And from what possible motive but the apprehension that the commercial operations of the city *might* become so extensive as seriously to interfere with the purposes the Government had in view in selecting it for its metropolis? Surely there was no necessity, otherwise, for so large an expenditure from the national treasury for the constructing of the aqueduct at Georgetown to take the canal across the river. *Alexandria* did not *need* it, for she had already the broad Potomac, which afforded her every required facility. It is reasonable, then, to conclude that Congress, in its wisdom, intended still further to limit the business capabilities of Washington and to intimate to its inhabitants that they



should look to other sources of prosperity as the means of building up their city. And these happily exist to a larger extent than at any other point in the land.

The government itself, by its large expenditures for public buildings of various kinds, has furnished employment to a large number of worthy artisans, and contributed materially to the welfare of its capital. It must expend millions more for similar objects; and its buildings and grounds, when completed and improved, to make them, as they should be, the pride of the nation, will in some measure compensate for loss of trade by constantly bringing to the city hosts of visitors from abroad, and rendering it more attractive as a place of residence for those who, able to retire from active business, seek rest, not only from its cares, but from its bustle also, as well as for multitudes of others in circumstances of ease or affluence. Here reside the executive officers of the nation and the representatives of foreign governments. Here assemble every year the Congress of the United States, and here too the Supreme Court annually meets for purposes of legislation and good government. The vast and constantly increasing interests presented for the consideration of these tribunals, together with those brought before the Court of Claims and executive departments, require the presence in our midst of a considerable number of professional gentlemen of acknowledged legal ability who are even now beginning to make the city their permanent abode.

The superior scientific advantages afforded by the Smithsonian Institution are likewise attracting *savans* to our metropolis, and we may ere long expect that large numbers will discover here a quiet retreat alike inviting to contemplation and study.

Still others visit and spend a portion of each year at the national capital to participate in the festivities of fashionable life; and thus we have, and shall ever have, every desirable class of society, from the more humble to the most elevated and refined. The advantages we possess in these respects are just beginning to be appreciated, and the day cannot be far distant when gentlemen of wealth and leisure, adopting Washington for a winter, as Newport for a summer residence, will render this more apparent by their investments in city property. This at present is held at a low figure when contrasted with the high rates which prevail elsewhere. Within one mile of the Capitol, building lots, beautifully located and commanding a view of the whole city, may be had for less per foot than is demanded for ground in villages five miles or more from Boston, New York, or Philadelphia. And there are others—many others—less eligibly situated, to be had for from two to five cents per square foot. 'Twere the veriest folly to suppose this state of things can long continue. As the city fills up, unimproved property must appreciate and become more and more valuable. Improvements will increase as the population becomes larger, and, with this increase, the city authorities will acquire the means of rendering the city more attractive, and adding to the conveniences and comforts of its inhabitants. And how long will it require to fill up the city to its utmost capacity? The Vice-President well remarked that "Washington projected the plan upon a scale of

centuries, and that time enough remains to fill the measure of his great conception." But let us refer to the past, and from it estimate our future progress. By the census returns our population was—

In 1800.....	3,210								
" 1810.....	8,208,	being an increase of	4,998,	or	15.570	per cent.			
" 1820.....	13,247,	" " "	5,039,	"	61.40	" "			
" 1830.....	18,827,	" " "	5,680,	"	42.12	" "			
" 1840.....	23,364,	" " "	4,537,	"	24.10	" "			
" 1850.....	40,001,	" " "	16,637,	"	71.21	" "			

The venerable Sessford, whose judgment is entitled to great consideration, estimates our present population at 62,973. Assuming this to be nearly correct, we may safely set down the number—

In 1860 at.....	65,000,	an increase of	25,999,	or	62.50	per cent.			
" 1870 at.....	97,000,	" "	32,000,	"	50	" "			
" 1880 at.....	125,000,	" "	38,000,	"	40	" "			
" 1890 at.....	182,000,	" "	47,000,	"	35	" "			
" 1900 at.....	236,600,	" "	54,600,	"	30	" "			

Is this an extravagant estimate? Reduce the last number by 50,000, and there will still remain enough to fill up the city, pass its boundaries, and occupy its surrounding heights.

*Aug. 1859*  
*written by*  
*Moses Kelly Esq*  
*of Int. & Sup.*













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